

## Butte-Silver Bow Study Commission Minutes

**Meeting Date:** February 10, 2005

**Time:** 5:30 p.m.

**Place:** Butte-Silver Bow County Courthouse, 1<sup>st</sup> Floor Conference Room

**Call to Order:** Chairman Bob Worley brought the meeting to order at 5:30 p.m. Chairman Worley proceeded to call roll with the following results:

**Members Present:** Tony Bonney, Ristene Hall, Dave Palmer, Meg Sharp, Northey Tretheway, Bob Worley, and Shag Miller. Ron Rowling and Shelly Jones were also present.

**Excused Absence:** Wayne Harper and Cindi Shaw

**Others Present:** Lori Maloney, Danette Harrington, Dan Fisher and Chuck Krause

**Approval of Minutes:** Chairman Worley requested approval of the February 3, 2005, minutes. A motion was made by Shag Miller to approve the minutes as submitted by the secretary of the meeting; Dave Palmer seconded the motion. The motion passed unanimously.

**Citizens Comments:** N/A

**Items Not Addressed on the Agenda:** Chairman Worley asked the commission members if there was anything that had not been addressed on the agenda that they would like to address. There were none.

Chairman Worley introduced the speakers for the evening, Lori Maloney, Dan Fisher and Charlie Krause.

**Lori Maloney** was the first to speak. Lori is the duly elected Clerk of District Court. She has held the position since December 1986, but she has been in the office of the Clerk of the Court since February 16, 1979. The Clerk of Court is the hub of the judicial system. Nothing goes through the court that doesn't go through her office first. State law mandates the office and there are over 900 statutes telling her what to do. She is the only one that can tell a district judge "no." She can't let a judge come in and tell her what cases they want. She decides which judge gets which case. In 1996, there was a wave of support for the State of Montana to assume the district courts in the State of Montana. There are 23 judicial districts in Montana, and of those 23 districts there is a judge in each district. In some of those districts there are multi-judge districts. Butte is a multi-judge district with two judges. Yellowstone County has six district judges. In Montana, there are 63 judges and all of the staff are employees of the State of Montana. The Clerks of District Court across Montana fought to maintain their county status because it is the people of the county that vote them in and they are there to answer their questions. She can see that they would try to pull the records in their office and put them in a central repository in Helena (marriage licenses, divorce decrees, and any judgments). The judges now have to answer to the Supreme Court, where before they answered to the Council of Commissioners. They took away the right of the judges to order whatever they wanted done out of Senate Bill 176 back in 2000. The Clerk of the District Court collects child support, supervisory fees or probation and parole, technology fees and surcharges that are charged on criminal matters. All money that is collected goes out; it does not stay in the county. The clerks of court have a couple of

Bills in to maintain some money for the county because (the entitlement share) all of the money that is collected goes to the State and then the State doles it back piecemeal. They are asking for an increase in the marriage license fees of \$10. Currently it is \$30.25. They are trying to raise it to \$50. Of the \$50, they are asking to retain \$10 just to be able to buy the paper they need to print the licenses and the books they need. All the people who work in her office have to be sworn deputies because the papers they file and record have to be deputized in order to go on record with the Secretary of State's office to authenticate documents.

They had over 2,500 case filings last year. The criminal records are way up which she believes is directly in relation to the drug problem in Butte, Montana. They also have an increase in the dependent neglective cases where children are taken away from their families and put with the State of Montana. The more criminals you see the more dependent neglective cases you see. In 2000, Lori was appointed by the governor to sit on the District Court Council that sets policies and procedures for the judiciary for the State of Montana. They are setting up a uniformed case reporting. Lori invited everyone up to her office.

Lori stated that every four years she has to pay for her job. The elected officials are the lowest paid department heads in the county. She supervises six people in her office, and they handle very confidential information. She strongly recommends that the Commissioners visit with the elected officials. She doesn't feel the elected department heads have any respect. She also brought up her concerns that there is nothing in place to recognize the long-term service of employees. Two people in her office reached 30 years of service to the county and not even a thank you was said by anybody from the county. She said people who work in the Courthouse have thankless jobs.

Chairman Worley asked where the Police Judges and the Justice of the Peace fit into the Clerk of the Court. Lori said they are separate. The District Court is the court of record. There are 23 judicial districts and 56 counties. The Second Judicial District is Butte-Silver Bow County. Shag Miller asked about the money going into the general fund. He asked if the court gets some of the funds from the State. Lori said it is the entitlement share that comes back out for the welfare monies. Shag asked who pays the judges' salaries and Lori's salary. The State of Montana pays the judges salaries and Butte-Silver Bow pays Lori's salary. Sixty-eight percent (68%) of the money that she used to collect went to the State and thirty-two percent (32%) stayed on the local level. Now it all goes to the State for District Court operations. Ristene asked how you go about getting the money back. Lori said that you don't because of Senate Bill 176 back in 1996. Northey asked how much entitlement money Butte gets. He also asked what Lori thought could happen to change things about elected officials not getting any respect. First, Lori did not know the answer about the entitlement share now that it all goes to the State. Her operating budget is very small. As far as elected officials, past CEO's have never included other elected officials into anything that the county has done. The CEO's have department head meetings and they have not been included, even though she's elected she is a department head. Northey asked if there were any functional drawbacks to how she is able to run her department. She said no, but she is an ambassador to the city.

Tony Bonney asked if she had the power to hire or fire her own deputies. Lori replied that she did, but that she has to go through the process. The deputies are unionized except the chief deputy. She makes the final choice.

Dave Palmer asked how district judges are determined, is it population? Lori said population plays a big part. Each judge handles about 2,500 cases per year. Dave also asked about the juror process. Jurors get paid \$12 per day to show up for jury duty. If you are chosen to sit on the case it is \$25 per

day. The district court keeps track of any criminal matters and then sent to the State. Anything civil is taken care of by the county.

Establishing a salary commission, past salary surveys, department head raises and addressing those issues in the Charter were discussed. Chairman Worley asked if there is anything the Study Commission could do through the Charter to make her office any more efficient. Lori replied “no.” Chairman Worley thanked Lori Maloney for coming.

**Next on the agenda - Dan Fisher**, newly elected County Assessor, and the previous County Assessor, **Charles Krause**. Dan stated that he has been in the office for 40 days. He asked Chuck to lead off. The basic job of the Assessor’s Office is to maintain the master file for Butte-Silver Bow in regard to assessment and taxing purposes. It has to be an up-to-date accurate record (ownership name, address, value of property, and legal description). The master file is used by the Treasurer’s office, the Clerk and Recorder’s office, and zoning. Any changes that are made by the Department of Revenue have to be updated in the county system. There are two systems, a state and a county system. The Assessor’s salary is paid 50% by the State and 50% by County since 1993. Before that the Assessor was paid 100% by the State. Then, the Revenue Department cut it to 70% state, 30% county and the Assessor was still considered a state employee. Then it became 50/50. That is when they decided to make the Assessor a county employee. The Assessor also performs duties for the Department of Revenue. Dan Fisher distributed a handout.

Dave Palmer asked about personal property. Personal property refers to businesses in town. They have to pay a personal property business tax (based on equipment in their business – computers, trucks, heavy equipment). Bigger companies that employ over 50 people work through the Industrial Bureau in Helena. Bob Worley asked about the business equipment tax. If businesses grow in the State of Montana then this tax will reduce by one percent (1%) per year. Personal property business taxes are only paid once a year in June/July. Personal property mobile home taxes are due in May and November. Chairman Worley asked how many county assessors were in the 56 counties. Mr. Krause stated that there are only three left (Granite, Powell and Butte-Silver Bow counties). The Department of Revenue does not like the elected assessor because they can argue against bills they bring before the legislature. The County Assessor is a liaison between the State and the County.

Further discussion included the reasons why the numbers of elected assessors were reduced, County Assessor retaining control; the local government sends the State 50% of the money for his pay and benefits, how many people are in the Butte-Silver Bow office (12 Dept. of Revenue employees), no staff report to the County Assessor, State pays rent to Butte-Silver Bow, Lori Casey is in charge of the local Department of Revenue employees; and the county’s half of the salary and benefits is about \$20,000. Dave asked if they believed if the office should continue to be elected. Their response was a resounding yes. Chairman Worley thanked Dan and Chuck for their presentation.

**Chairman Worley** stated that Jeff Miller could not attend due to a prior commitment. He also brought up a meeting that was held by Jeff Miller, Director of Fire Services, regarding a proposed consolidation of Butte-Silver Bow Volunteer Fire Districts and capital purchases. He strongly encouraged everyone to read the proposal. He reviewed elements of the proposal.

Ristene asked if we could invite some of the volunteer firefighters who oppose this proposal to speak before the Commission. Bob reported that he has given the fire commission a copy of the Study Commission schedule and that the next meeting regarding this topic will be March 8<sup>th</sup> at the Depot.

Chairman Worley then discussed the Study Commission's calendar. The calendar was emailed to the Montana Standard, the Butte Weekly, and the Rountown Review. Chairman Worley then asked if anyone came up with names for future speakers. Names that were brought up were Ron Cass, Rick Griffith, Dan O'Neill, Greg O'Leary, the Coroner, Bob Rowling, Evan Barrett, and Judy Martz; School District employees, J.R. Richardson and Chuck Uggetti; Marko Lucich, Newland and Co., Janet Cornish, Ellen Crane, and Alec Hanson of Helena (Montana Cities and Towns). Also, Chairman Worley requested that everyone look at book from Bozeman and have people from other types of governments come in. Northey brought up having someone from Anaconda; maybe Attorney General Mike McGrath because of the Superfund and the Natural Resource Damage fund or someone from the DEQ.

Next, Chairman Worley turned the meeting over to Dave Palmer. Dave reported that the survey would probably be a telephone survey. The proposed, revised survey questions were reviewed and discussed in detail again. Two ideas were discussed at length: 1) a central complaint department, and 2) a Community Enrichment Coordinator and board for Superfund issues. The purpose of the survey is to see if the people think it's a good idea to have these positions or boards. Changes to the survey questions were suggested. Dave Palmer recommended that everyone re-write question No. 10 and bring his or her ideas to the next meeting. Conversation also included the types of questions that should be written for the employees. Anonymity was an important concern. Chairman Worley reminded everyone that Ken Weaver would help the Commission with any questions they have. An idea came up to talk to employees on a one-on-one basis (random sample). About 45 minutes was spent going over the survey.

Chairman Worley went over the next couple of week's speakers and the schedule. Suggestions were made for additional speakers.

***Date for Next Meeting:*** The next meeting will be Thursday, February 17, 2005.

***Adjourn:*** Northey Tretheway moved to close the meeting; Dave Palmer seconded the motion. The motion carried and the meeting adjourned at 7:40 p.m.